

complaint

Miss C complains that HSBC Bank plc (trading as first direct) will not give her an ongoing overdraft facility.

our initial conclusions

The adjudicator did not recommend that this complaint should be upheld. He concluded that first direct was entitled to make a commercial decision as to whether or not it can provide an ongoing overdraft facility to Miss C. Miss C has asked that her complaint be considered by an ombudsman.

my final decision

I have considered all that Miss C and first direct have said and provided in order to decide what is fair and reasonable in this complaint.

first direct has provided Miss C with a temporary overdraft facility. She has asked it to make it a permanent facility, but it has refused to do so and she, therefore, has to reapply for an overdraft every six months. first direct has provided evidence to show that it has applied its internal lending criteria and credit scoring to Miss C's application, but that, based on that information, it is unable to provide her with an ongoing overdraft facility. It is a commercial decision for a bank to decide whether or not to lend money to a customer and, if so, on what terms. first direct has made a commercial decision that it will not provide an ongoing overdraft facility to Miss C and this service does not normally interfere with a bank's legitimate commercial decisions. I, therefore, do not consider that it would be fair or reasonable for me to require first direct to provide a permanent overdraft facility to Miss C.

Miss C says that there is incorrect information on her credit report, but I consider it to be fair and reasonable for first direct to rely on her credit report in making its decision. Miss C should contact the credit reference agencies if she considers that her credit report is incorrect.

For these reasons, my decision is that I do not uphold Miss C's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Miss C either to accept or reject my decision before 6 December 2013.

Jarrold Hastings

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.